

**REMARKS**

Claims 1-27 are pending in this application. By this Amendment, claim 1 is amended and claims 26 and 27 are added. No new matter is added by this Amendment.

reconsideration based on the Amendments and following remarks is respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (as the amendments amplify issues previously discussed throughout prosecution); (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because e.g. they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

**I. June 24, 2009 Personal Interview**

Applicant appreciates the courtesies shown to Applicant's representative by Examiners Demeree and Newhouse in the June 24, 2009 personal interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks.

**II. The Claims Define Allowable Subject Matter**

The Office Action rejects claims 1-25 under 35 U.S.C. §103(a) as being unpatentable over Schou (WO 01/15977) in view of Shanton (U.S. Patent No. 5,776,619). The rejections are respectfully traversed.

For reasons discussed during the personal interview, Applicant respectfully submits that the claims are patentable for reasons previously asserted in the Request for Reconsideration filed November 26, 2008. Specifically, Applicant respectfully submits that Schou and Shanton, either alone or in combination, fail to teach at least the first and second

surfaces as claimed. Shanton fails to remedy the admitted deficiency in Schou, which lacks disclosure of a coating of a water-based varnish. Shanton fails to remedy this deficiency because Shanton discloses a varnish for use on a side of a surface facing food stuffs contained in the container. One of ordinary skill in the art would have no reason to arrive at the currently claimed combination of features, because both disclosures relate only to a surface of a container facing the container's contents. During the personal interview, the Examiners argued that Shanton claims a "smooth, print-receptive finish." As such, the Examiners asserted that one of ordinary skill in the art could use Schou and Shanton to inherently arrive at the currently claimed first and second surfaces by using Schou to develop a first surface having a coating with pin holes, and using Shanton to develop a second opposite surface having a finish that is merely suitable for printing. Applicant disagrees with this argument because it is tantamount to asserting that any arrangement having a surface suitable for printing and an opposite surface having pin holes could effect the advantages afforded by the currently claimed features. Nonetheless, Applicant amends the claims to more clearly distinguish the claim features from the applied art.

Specifically, the claims are amended to more clearly recite the relationship between the coatings of the first and second surface. Neither Schou nor Shanton, alone or in combination, teach or render obvious with sufficient specificity a first and second coating having the recited function and relationship to each other. Applicant respectfully submits that a modification of Schou in view of Shanton would not inherently result in an arrangement having the structural and functional features proposed above. That is, one of ordinary skill in the art having a surface and coating disclosed by Schou and desiring a second opposite surface that is easily printable as disclosed by Shanton would not necessarily arrive at an arrangement "wherein the first surface comprises a first coating being essentially impermeable to water vapor passing through a second surface;" and "wherein the second

surface comprises a second coating having a large number of comparatively small pin hole openings for controlling absorption of liquid or vapor from the second surface into the cardboard and to the first coating of the first surface such that the first coating and second coating are in communication with each other." Without the benefit of Applicant's disclosure, they may only do so by happenstance. Accordingly, Applicant respectfully submits that Schou, either alone or in combination with Shanton, fails to render obvious the currently claimed combination of features absent in proper hindsight reasoning.

Withdrawal of the rejections is respectfully requested.

**III. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:RAC/amt

Attachment:

Petition for Extension of Time

Date: June 26, 2009

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